

Central Valley Regional Water Quality Control Board

March 20, 2015

CERTIFIED MAIL:

7013 0600 0002 4320 2459

Mr. Christopher Cordes
101 South F Street
Pensacola, FL 32502

CERTIFIED MAIL:

7013 0600 0002 4320 2466

Incrop Services, Inc (agent for service)
Mr. Christopher Cordes,
Pacific Biodynamics
5716 Corsa Ave., STE 110
Westlake Village, CA 91362-7354

CERTIFIED MAIL:

7012 3050 0001 3774 0916

Mr. Eddie Axner (as individual and as
agent for service of process)
Eddie Axner Construction, Inc.
5429A Old Oregon Trail
Redding, CA 96002

**CLEANUP AND ABATEMENT ORDER NO. R5-2015-0701 AND ADMINISTRATIVE CIVIL
LIABILITY COMPLAINT R5-2015-0520 , CHRISTOPHER CORDES, EDDIE AXNER
CONSTRUCTION INC., AND EDDIE AXNER – ASSESSOR PARCEL 041-300-035-000, SHASTA
COUNTY**

Enclosed are a Cleanup and Abatement Order (Order) for the cleanup and abatement of effects of discharges of soil and rock and to prevent future discharges from Assessor Parcel 041-300-035-000 in Shasta County (Property), and an Administrative Civil Liability Complaint (Complaint) for discharges of sediment laden storm water runoff and fill material to tributaries of North Fork Cottonwood Creek issued pursuant to California Water Code (CWC) section 13385 to Christopher Cordes, Eddie Axner Construction Inc., and Eddie Axner (Dischargers). The Order is effective immediately and requires the Dischargers to clean up and abate the discharges of pollutants associated with marijuana cultivation activities and requires action be taken to prevent future discharges from the Property.

The Order includes a timeline for compliance with the tasks set forth in the Order. The first task requires that **by 24 April 2015**, Dischargers shall prepare and provide an Interim Erosion and Sediment Control Plan meeting the requirements detailed in the Order.

In the Complaint, the Prosecution Team recommends a combined administrative civil liability in the amount of **two hundred ninety seven thousand four hundred dollars (\$297,400)** (Consisting of Christopher Cordes, Eddie Axner and Eddie Axner Construction, Inc. being Joint and severally liable for **\$139,700** and Christopher Cordes being individually liable for an additional **\$157,700**).

The Dischargers may:

- Pay the proposed administrative civil liability and waive its right to a hearing (Option #1 on the attached waiver form);
- Ask that the hearing be postponed to for reasons that must be provided (Options #2 on the attached waiver form); or
- Contest the Complaint and/or enter into settlement discussions immediately and while preparing for pending hearing.

If the Central Valley Water Board does not receive a signed waiver from all the Dischargers and check for the combined total liability by **3 April 2015**, or if an agreement in principle is not reached with all Dischargers by **3 April 2015**, then a hearing will be scheduled for the **4/5 June 2015** Board meeting in Rancho Cordova. This hearing will be governed by the attached Hearing Procedure, which has been approved by the Board Chair for use in adjudicating matters such as this one. Any objections to the Hearing Procedure must be received by Patrick Pulupa, whose contact information is listed in the Hearing Procedure, by **5 p.m. on 27 March 2015**.

If the Dischargers choose to sign the waiver and pay the assessed civil liability, this will be considered a tentative settlement of the violations. The settlement will be considered in a 30-day public comment period, starting from the date this Complaint is issued. Interested parties may comment on the proposed action during this period by submitting written comments to the Central Valley Water Board staff person listed below. If the Central Valley Water Board does not receive payment for the entire combined liability and waivers from all the Dischargers named in the complaint, then a hearing will be held on this matter. Should the Central Valley Water Board receive new information or comments during this comment period and/or at the hearing, the Water Board may return any payments received, and issue a final Administrative Civil Liability Order based on information and facts obtained during the hearing. If the Central Valley Water Board does not hold a hearing on the matter, and if the terms of the final settlement are not significantly different from those proposed in the enclosed Complaint, then there will not be additional opportunities for public comment on the proposed settlement.

In order to conserve resources, this letter transmits paper copies of the documents to the Discharger only. Interested persons may download the documents from the Central Valley Water Board's Internet website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/.

Copies of these documents can also be obtained by contacting or visiting the Central Valley Water Board's office weekdays between 8:00 AM and 5:00 PM.

If you have any questions or would like to discuss legal aspects of the Order and/or Complaint, please contact Yvonne West, Senior Staff Counsel, State Water Resources Control Board, Office of Enforcement at (916) 322-3626. If you have technical questions regarding the Order, please contact Roy "Trey" Sherrell, Environmental Scientist, Central Valley Water Board, at (530) 224-4847.



Clint E. Snyder, P.G.
Assistant Executive Officer

TS:lmw

Enclosure: Cleanup and Abatement Order No. R5-2015-0701
Administrative Civil Liability Complaint R5-2015-0520

cc: via email with attachments

Andrew Altevogt, Central Valley Water Board, Sacramento
Clay Rodgers, Central Valley Water Board, Sacramento
Robert LHeureux, Central Valley Water Board, Sacramento
Andrew Deeringer, State Water Board, Office of Chief Counsel, Sacramento
Nathan Jacobsen, State Water Board, Office of Chief Counsel, Sacramento
Yvonne West, State Water Board, Office of Enforcement, Sacramento
Trey Sherrell, Central Valley Water Board, Sacramento
Linda Barrera, Dept. of Fish and Wildlife, Sacramento
Lt. DeWayne Little, Dept. of Fish and Wildlife, Redding
Steven Crowl, Dept. of Fish and Wildlife, Redding
William Bond, SHN Consulting Engineers and Geologists, Inc.
Dale Fletcher, Shasta County Dept. of Resource Management, Redding
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